

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

BENEDICT EMESOWUM,

Plaintiff,

VS.

HOUSTON POLICE DEPARTMENT,

Defendant.

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CIVIL ACTION NO. H-13-0223

**ORDER OF DISMISSAL WITH PREJUDICE**

As stated on the record at the hearing of today's date, the defendants' motion to dismiss, (Docket Entry No. 5), is granted. The plaintiff's complaint, (Docket Entry No. 1), as amended, (Docket Entry No. 8), fails to state a claim for relief under 42 U.S.C. § 1983. *See* FED. R. CIV. P. 12(b)(6). The plaintiff has pleaded no facts that could plausibly show that the Houston Police Department or its officers violated his constitutional rights. This dismissal is with prejudice and without leave to amend because the plaintiff's amendments failed to correct the deficiencies in his pleadings. Based on his amended complaint, the response to the motion to dismiss, and the plaintiff's arguments and representations to the court, this court finds that further leave to amend would be futile. This case is dismissed, with prejudice.

SIGNED on May 2, 2013, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge